रजिस्टई नं० पी० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 28 श्रक्तूबर, 1972/6 कार्तिक, 1894

GOVERNMENT OF HIMACHAL PRADESH

HIMACHAL PRADESH MARKETING BOARD, SIMLA

NOTIFICATION

Simla, the 21st August, 1972

No. HMB-3/72.—The bye-laws framed by the Himachal Pradesh Marketing Board under section 34 of the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970) are hereby published for general information. These bye-laws shall come into force from the date of their publication in the Himachal Pradesh Gazette and shall apply to all the market areas of the State of Himachal Pradesh notified under section 4 of the said Act.

MARKET COMMITTEES BYE-LAWS

Short title.

1. The bye-laws shall be called the Market Committees Bye-Laws, 1972.

Definitions.

- 2. (1) In these byc-laws, unless there is anything repugnant in the subject or context:—
 - (a) "Act" means the Himachal Pradesh Agricultural Produce Markets Act, 1969 (Act No. 9 of 1970);
 - (b) "authorised weights" shall have meaning as has been assigned to the term 'standard weight or measure' vide clause (j) of section 2 of the Himachal Pradesh Weights and Measures (Enforcement) Act, 1968 (23 of 1968);
 - (c) "licensee" means a person to whom a licence has been granted under the provisions of the Act and the rules or the bye-laws, framed thereunder;
 - (d) "rule" means the rule made in exercise of the powers conferred by section 33 of the Act.
- (2) All other words and expressions shall have the meanings respectively assigned to them in the Act, and the rules framed thereunder.

Headquarters. 3. The headquarters of a Committee shall be at the place specified in the notification issued under section 9 of the Act.

Manner of convening a meeting.

- 4. (1) Notice of every meeting with the agenda shall be issued by the Secretary under the orders of the Chairman, Market Committee at least ten days before the date of the meeting. Every such notice shall state the place, the day and the hour of the proposed meeting. Papers relating to any subject included in the agenda of any meeting shall be open for inspection by any member at the office of the Committee during the usual office hours.
- (2) As a routine administrative procedure, the meeting of the Committee shall be summoned at least once in three months and shall be held at the headquarters of the Committee unless desired otherwise under some special circumstances by the Chairman, or by at least half of the members of the Committee or by the Secretary/Chairman of the Himachal Pradesh Marketing Board. Any special or emergent meeting as prescribed in rule 39, may be called at such a notice as enabling each member to reach and attend in time.
- (3) Any member wishing to bring any proposition before the Committee shall give written intimation to the Secretary or the Chairman of the Committee of his intention to do so and shall also send a draft of the proposition so as to reach at least three days before the date of the meeting, which shall then be included in the agenda for the meeting.
- (4) Any matter which is not included in the agenda, shall not be brought forward for discussion at any meeting except with the consent of the majority of the members present.
- (5) Every proposition and/or every amendment, if not brought up officially by the Chairman/Secretary, shall be proposed by one member and 'seconded by another; no proposition or amendment shall be the subject of discussion until so proposed, seconded and reduced to writing under the directions of the Chairman of the meeting.
- (6) Any amendment may be moved after the original proposition has been duly made, seconded and recorded.

- (7) Every proposition and or every amendment so moved shall be recorded in the proceedings of the meeting with the names of the person who propose and second the proposition/amendment.
- (8) When a proposition and/or amendment has been duly proposed, seconded and reduced to writing, the members present, shall be entitled to discuss the same, provided that, except with the special permission of the Chairman, no member shall speak more than once or any proposition and/or amendment thereof until all the members present, desirous of speaking, have had their turn, the mover of the proposition and/or amendment shall be entitled to reply only after all the members desirous of speaking have their say.
- (9) When an amendment has been brought to any proposition, it shall be put to the vote first. If it is carried, it shall become a substantive proposition and it shall be put to the vote as such. If it is not carried, the original proposition shall be put to the vote. When there are more amendments than one, they shall be put in the order reverse to that in which they were proposed.
- (10) The Chairman shall be entitled to speak and vote on all questions at a meeting. Voting by proxy will not be permissible. Any member may decline to vote on any subject without assigning any reason therefor. Voting shall ordinarily be done by show of hands, but the Chairman may, at the request of any member, direct that in any particular case, votes shall be taken by ballot.
- (11) If any one or more members present at a meeting refuses/refuse to obey the ruling of the Chairman on any matter, he may adjourn meeting at once sine die or declare the date and venue for the next meeting, and when he has declared the meeting once adjourned on this ground, the subsequent proceedings of the meeting, if any, shall be void, and shall not appear in the minutes. In all such cases, the Chairman shall record in his own handwriting in the minute book the reason(s) for the adjournment.
- (12) After calling the attention of the meeting to the conduct of a member who persists in speaking or in arguing upon a matter which, in the opinion of the Chairman, is irrelevant, or in repeating his own arguments or the arguments used by other members, the Chairman may direct the member concerned to discontinue his speech.
- (13) The Chairman may direct any member, whose conduct in his opinion is disorderly, to withdraw immediately from the meeting, and any member so ordered to withdraw shall do so forthwith and shall unless recalled by the Chairman, absent himself during the meeting. The Chairman may cause to be summarily removed any member who disobeys an order to withdraw made under this bye-law.
- (14) When a proposition and/or amendment has been declared by the Chairman as duly carried, no further proposal for amending it shall be entertained at that meeting.
- (15) A resume of every discussion with the number of votes for or against each motion or amendment shall be recorded in the proceedings of the meeting under the directions of the Chairman.
- (16) Every member shall be at liberty to call the attention of the Chairman to a point of order even when a member is speaking on it (point of order) being raised. The member addressing the meeting shall resume his seat until the question has been declared by the Chairman.

- (17) Except with the recorded consent of not less than 5/9 members (in the case of a Committee consisting of 9 members) and 9/16 members (in the case of a Committee consisting of 16 members), no subject once finally disposed off shall be ordinarily reconsidered within 90 days.
- (18) The proceedings shall be placed before the next meeting for confirmation as read with rule 36 of the Himachal Pradesh Agricultural Produce Markets Rules, 1971.
- (19) The Chairman may, for sufficient reasons, adjourn any meeting from time to time, but no business other than that left over at the previous meeting shall ordinarily be considered appropriate to be transacted at the adjourned meeting unless a separate notice and a separate agenda have been issued in respect thereof in accordance with the bye-law 4.
- (20) If quorum of an meeting is not complete within one hour of the appointed time of the meeting, the meeting shall be presumed to have been adjourned for the period as declared by the Chairman or in his absence Vice-Chairman or the member elected to preside over the meeting in the absence of the Chairman and Vice-Chairman. In case, no member turns up including the Chairman, and Vice-Chairman, the Secretary shall fix another date in consultation with the Chairman.
- (21) Any member who fails to attend three consecutive meetings of the Committee without reasons beyond his control may be removed from the membership by the Himachal Pradesh Marketing Board on the report by the Chairman/Secretary of the Market Committee.
- 5. (1) As and when necessary, the following Sub-Committees may be appointed by the Committee, the membership whereof should preferably be not less than three in each case:—
 - (i) an Executive Sub-Committee;
 - (ii) a Works Sub-Committee.
- (2) While setting up a Sub-Committee, the Committee shall define its duties and powers in clear terms and fix the quorum for its meetings.
- (3) Subject to the provisions of the Act and the rules framed thereunder, members of the Sub-Committees appointed under the rules or these bye-laws shall be elected by the Committee in a regular meeting.
- (4) The Secretary of the Committee, or in his absence such other employee as may be appointed by the Chairman for the period of the absence of the Secretary, shall act as Secretary to all the Sub-Committees.
- (5) Executive Sub-Committee.—Subject to such other duties as may be assigned to it, an Executive Sub-Committee, acting on the general instructions of the Committee, shall arrange to publish the opening rates for the day and submit proposals to the Committee for the collection and dissemination of market information in the market and outside places in order to keep all concerned apprised of market conditions.
- 6. (1) A licensed weighman or measurer shall correctly weigh or measure, agricultural produce, as the case may be, brought to him for weighment or measurement.
- (2) Every licensed weighman, measurer and surveyor shall deposit the sum with the Committee to cover the cost of the badge to be issued to him. The deposit shall be refundable to him when the badge is returned to the Committee in good condition, and the Secretary of the Committee shall be the sole and final authority as to whether the badge has been returned in

Appointment of sub-committee and their dutiss.

Duties of licensed weighman, measurer and surveyor.

good condition or not. The badge shall be returned to the Committee within three days of the expiry, suspension or cancellation of the licence.

(3) The badge shall not be transferred to any other person, and the Secretary shall be the sole judge whether the badge has been transferred or not.

- (4) The seller shall have the option to get his agricultural produce weighed by any licensed weighman or the weighman appointed by the Market Committee.
- 7. (1) A sum due to the Committee shall be paid at its office during working hours.
- (2) Fee collector of the Market Committee shall, ordinarily on behalf of the Committee, sign and issue receipts therefore provided that in his absence, the Secretary himself or any other employee authorised by the Secretary shall receive the payment.
- (3) All payments made at the office of the Committee shall be receipted, checked and disposed off in accordance with the rules so far as they may be applicable.
- 8. (1) The Market Committee shall, subject to the approval of the Himachal Pradesh Marketing Board, specify remuneration charges for all the functionaries, not exceeding the limits as specified in bye-law 27 as read with rule 79.
- (2) It will not be necessary for any seller of agricultural produce to engage any one of the functionaries unless he wishes to do so and no one shall pay or be required to pay for functionary, who has not, in fact, been engaged.
- (3) No Market Committee shall permit allowance, deduction charge or remuneration of any kind and in any form (cash or kind) in connection with any transaction of sale or purchase of agricultural produce either from the seller or buyer.
- (4) The dealer shall be responsible for the immediate disbursement of the remuneration payable to the functionaries, under the rules and these bye-laws, employed in the transaction.
- (5) Delivery.—It shall be binding on the buyer to take delivery of the produce immediately on the same day or on the following day after the sale, and make payments of the sale proceeds to the kutcha arhtiya/seller as soon as the delivery is taken and in case of delivery through hundi-bilti, within three days after the payment is received by the commission agent.
- (6) Receipt.—Every dealer or commission agent receiving remuneration himself or on behalf of other functionaries etc. shall immediately prepare a receipt in Form I appended to these bye-laws for the amount so received by him in triplicate, one for the seller, second for the Market Committee and third to be retained by him.
- (7) Storage charges.—Charges for storage shall not be charged from the sellers if the goods are kept in the godowns or shops of the commission agent for the purpose of sales, for the first three days, whereafter may be charged at the rate of one paisa per bag per day from the date of the receipt of the goods.
- 9. All kutcha arhtiyas/commission agents/dealers shall keep a separate account in respect of each borrower for the advances given and repayment made in the Form II appended to these bye-laws.

Payment at the office of the committee.

Remuneration of different Functiona-

Advances to growers.

Order or refusal to grant or suspend or cancel license to be recorded. 10. Every order of the Committee refusing the grant or suspending or cancelling licence(s) shall be recorded in writing in a brief statement with reason(s) for the same. A copy of such order with reason(s) therefor shall, on application made by him, be supplied to the person concerned on payment of a fee of 10 paise per page or a part thereof subject to a minimum of one rupee.

Trade allowance.

- 11. The following trade allowance(s) only shall be leviable within the market in the case of spot or ready transaction:—
 - (i) 'tare' the exact weight of the gunny bags or of the packing materials used;
 - (ii) full adjustment of increase or decrease in the weight of the produce shall be accounted for immediately after the weighment is complete.
- (2) Each item of trade allowance(s) charged under sub-clauses (i) and (ii) of clause (1) above, shall be separately mentioned in the receipt issued in Form I appended to these bye-laws.
 - (3) All samples shall be paid for.

Market hours.

12. Subject to the provisions of any law for the time being in force in regard to the opening and closing hours or in regard to closed days, the market shall remain open for business during such hours as may, from time to time, be fixed on all days, during the trade season as may be notified by the Committee except on days notified by the committee with the previous approval of the Himachal Pradesh Marketing Board as holidays or as closed days.

Method of sales.

- 13. (1) The method of sale in the Market shall be (a) either by open auction or (b) by open negotiations, if the open auction is not possible. In both the cases, the agricultural produce brought for sale may be graded on the basis of the 'Agmark' or commercial grades as may be laid down by the Market Committee. A buyer shall be considered to have thoroughly inspected the agricultural produce for which he has bid/settled price and he shall not retract from it.
- (2) No deduction shall be made from the consignment except as laid down under clauses 8(3) and 11 of these bye-laws.
- (3) In case of open auction the bids will be for a quintal package in multiples of 0.25 paise in case of ginger, vegetables and fruits, and 0.50 paise in case of foodgrains and Re. 1.00 in case of seed potato.

Weighment and measurement of Agricultural Produce by Market Committee.

- 14. (1) The agricultural produce brought into the Market merely for the purpose of weighing or measurement may be weighed or measured free, at the weigh-bridge, scales or measuring yards if maintained by the Committee.
- (2) For the purposes of sale and purchase of the agricultural produce in notified market area, the net weight per bag/container shall be as specified by the Market Committee.

15. (1) No person shall be considered for initial appointment unless he possesses the minimum qualifications required for each post as

Establishment.

Post with scale

- (i) Accountant in the scale of Rs. 160-10-280/15-400.
- (ii) Assistant in the scale of Rs. 160-10-280/15-400.
- (iii) Stenographer-cum-Typist in the scale of Rs. 110-250 plus special pay.
- (iv) Accounts Clerks in the scale of Rs. 110-250.
- (v) Supervisors/Auctioneers/Fee Collectors in the scale of
- Rs. 110-250. (vi) Clerks in the scale of Rs. 110-10-250
- (vii) Peons in the scale of Rs. 70-2-80/3-95.
- (viii) Chowkidar in the scale of Rs. 70-95.

Qualifications

Higher Secondary preferably graduate.

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Higher Secondary and having knowledge of shorthand writing and typing at the speed of 80 and 30 words per minute, respectively.

Higher Secondary and having knowledge of Accounts as well typing at the speed of 30 words per minute.

Matriculate perferably experien-

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Matriculate.

Middle school. Literate.

- (2) All appointments except that of Market Secretary shall be made by the *ad hoc* appointment Committee comprising of the Chairman, Secretary and any one member (opted by the Chairman) of the Market Committee.
- (3) The posts in the establishment shall have to be got approved from the Market Committee and no person shall be considered to be suspended, reduced, terminated or dismissed save in pursuance of such a resolution by the Market Committee.
- (4) The authority to appint contingent paid employees shall vest in the Secretary subject to the approval of the Chairman of the Committee in a month's period.
- (5) A servant of the committee permitted to receive or handle money on behalf of the committee shall before entering on his duties furnish a cash security of Rs. 500 or equal to twice the amount he is expected to handle within a week, whichever is greater, or the security as desired by the Secretary/Chairman of the Committee.

In exceptional circumstances, the Secretary/Chairman may allow a servant of the committee, permitted to receive or handle money on its behalf to furnish in place of cash security, a personal security, if the total sum to be handled by the servant is not very large and the Secretary/Chairman is satisfied that the personal security is adequate and satisfactory.

16. The committee, may, and if so required by the Himachal Pradesh marketing Board shall, in respect of property owned by it, or vesting in it or being under its management for the time being, by an order make or specified conditions subject to which, purposes for which, and times at which alone these shall be used or frequented and may also prescribe the conduct of persons, frequenting such property or suing facilities provided

Management of the property vesting in or owned or controlled by the committee.

thereby may prohibit certain acts as such persons as aforesaid, keeping in view the safety, upkeep or sanitation of such property or the building situated around it. Any such person whose conduct, in the opinion of the Chairman, Secretary, a member of the Committee or the person-in-charge of such property is against the conditions prescribed by such an order shall on requisition from any of these persons (Chairman, Secretary, a member of the Committee or person-in-charge of the place, building or the property) vacate such property forthwith.

Delegation of powers.

17. The Chairman may, in the interest of work, delegate any power(s) to the Secretary of the Committee, and assign any duty regarding signing of documents for and on behalf of the Market Committee.

Admission hearing & disposal of complaints.

- 18. (1) A complaint within the cognizance of the Committee or any sub-committee shall be made in writing at the office of the committee to the Secretary (of the committee) and in his absence to such person as may be appointed by the Chairman and a receipt given therefor.
- (2) The person receiving a complaint under clause (1) shall immediately enter it in a register in Form III appended to these bye-laws, and either keep it for his own decision or submit it to he Chairman of the Committee or any other person competent to entertain it.
- (3) The complaint shall be enquired into after notice to the complainant and the person complaint against, and of giving them an opportunity of having their say. The order disposing of a complaint shall be reduced to writing and its purport entered in the register in Form III.

Note.—On receipt of a written complaint regarding the matter covering sale and purchase of agricultural produce in the market area, the Secretary shall conduct an enquiry and shall give his decision and/or make report to the Chairman who shall take steps as he thinks necessary in accordance with the provisions of the Act, rules and the bye-laws.

Imprest money and permanent adyance.

- 19. (1) The Accountant of a Committee may be allowed to keep in hand a sum not exceeding Rs. 500 or Rs. 250 in case of market committee consisting of 16 and 9 members respectively as imprest money, under the supervision of the Market Committee.
- (2) Like all other income and expenditure on account of the imprest money and expenditure met out of it shall be got maintained by the Secretary under the supervision of the Chairman, Market Committee.

Market fee.

Market Committee shall charge Re. the buyer for every one hundred rupees or a part thereof, as its market fee on the sale or purchase of all the items of agricultural produce notified for all or the respective markets."

Use of forms.

- 21. (1) All forms shall be supplied by the Market Committee on payment of price as may be fixed by it (the Market Committee).
- (2) The records maintained by the dealers in respect of sale and purchase of specified agricultural produce shall be produced on demand to the Secretary/Chairman of the Market Committee or any person authorised to inspect by the Secretary/Chairman of the Market Committee and/or by the Secretary/Chairman of the Himachal Pradesh Marketing Board.

Note.—If during inspection any discrepancy with regard to the execution of Forms is noticed, the Form book containing counter-foils as well as unused forms may be seized and a receipt given for this seizure by the inspecting person. And, in case of such seizure the dealer may be allowed by the Market Committee to put in use other Form book.

- (3) Only those forms shall be used by the dealers and other functionaries which bear the stamps of the Market Committee.
- the rules and the bye-laws, and for the better and uniform administration of the Committees, meetings of the Secretaries of Market Committees in a circle/the state shall be convened under the orders of the Secretary, Himachal Pradesh Marketing Board, twice in a year, and held at a place and time specified by him. The Marketing Inspectors of the circle/state shall also be present in such meetings. The procedure for such meetings will be the same as prescribed/specified for the meetings of the Market Committees in so far as is applicable:

Provided that the Secretary, Himachal Pradesh Marketing Board shall be the President of every such meeting and in his absence, the members present shall elect the President from amongst themselves for that meeting.

- (2) Proceedings of the meeting shall be recorded by the President of the meeting and preserved in the office of the Himachal Pradesh Marketing Board, and copies sent to all the Secretaries of the Market Committees in the circle/state.
- 23. All licences unless suspended or cancelled shall remain in force from 1st April or any subsequent date of issue till 31st March following.

Unit of quotation.

Period of

Meeting of

Secretaries.

- . 24. It shall be decided by the Market Committee in accordance with the local conditions.
- 25. Contravention of any clause of any bye-law(s) shall, on conviction, be punishable with a fine which may extend to Rs. 200 and in case(s) of continuing contravention, with a further fine of Rs. 20 for every day subsequent to the date of first conviction for which the contravention has continued.

Contravention of Bye-Laws.

26. The Market Committee shall make available printed copies of bye-law for sale at a price to be fixed.

Sale of Bye-Laws.

27. Nothing contained in these bye-laws shall apply to any case pending in any court or recovery proceedings thereof started under these bye-laws.

Savings.

28. For services actually rendered by them in connection with sale, Purchase, storage and processing etc. of the agricultural produce, different market functionaries (whether licensed or not) shall not receive or charge any remuneration in excess of the rate-limits specified below:—

Remuneration of different market functionar-

CEREALS, PULSES AND OIL-SEEDS

- I. Incidental Charges:—
 - (i) Unloading.—(a) 3-5 paise per container upto 50 kgs. or part thereof-
 - (b) 8-10 paise per container upto 100 kgs. or part thereof above 50 kgs.
 - (ii) Cleaning and dressing.—(a) First Cleaning (first jhar)—15-20 paise per quintal if hand cleaning is done, but 10-12 paise shall be chargeable if cleaning jhar is done by sieving machine.

(b) Second cleaning (Second jhar) 3-5 paise per quintal in addition to the charges prescribed at (ii) (a) above.

(iii) Weighment charges.—15-25 paise per quintal.

II. Market Charges:—

Commission.—Rs. 2.00 to 3.00 per hundred rupees of the value of the produce.

FRUITS, VEGETABLES, CONDIMENTS AND SPICES ETC.

I. Incidental Charges:—

(i) Unloading.—(a) 3-5 paise per box/basket/Kilta or any container other than Katta or bag.

(b) 6-8 paise per unit load/Katta weighing upto 50 kgs.

(c) 9-12 paise per unit load/bag weighing above 50 kgs. but not exceeding 100 kgs.

(ii) Weighment charges.—15-25 paise per quintal if the weighment is done actually.

II. Market Charges:-

Commission—Rs. 4.00 to 5.00 per hundred rupees of the value.

ANIMAL HUSBANDRY PRODUCTS AND VEGETABLE OILS EXCLUDING WOOL

I. Incidental Charges:-

(i) Unloading.—(a) 3-5 paise per tin/any other container weighing upto 50 kgs.

(b) 6-12 paise per tin/any other container weighing more than 50 kgs. but not exceeding 100 kgs.

(ii) Weighment charges.—12 paise per unit load weighing upto 50 kgs. and 15-25 paise weighing more than 50 kgs. but not exceeding 100 kgs.

FIBRES, WOOL AND NARCOTICS (TOBACCO)

I. Incidental Charges:—

- (i) Unloading (including opening of packing and heaping).—(a) 25 paise per unit load of 40 kgs.
- (ii) Cleaning and dressing.—25 paise per unit load of 40 kgs.
- (iii) Weighment charges.—10 paise per unit load of 40 kgs.

II. Market Charges:—

- 1. Commission—Rs. 2.00 to 3.00 per hundred rupees of the value.
- 2. (i) Auction charges.—3-5 paise per hundred rupees of the value.
 - (ii) Brokerage.—15-20 paise per hundred rupees of the value.
 - (iii) Sewing.—2-3 paise per unit.
- (3) The loading and weighment charges after the finalization of the bid shall correspond with those specified under incidental charges.
- Note.—(1) The Market Committees shall specify the details of remuneration charges within these limits (laid down in the bye-laws) accordingly to the local conditions obtaining in the respective notified market areas.
- (2) The producer-seller will be entitled to a remission of palledari charges if he himself performs such functions as are reckoned under palledari.
- N.B.—In case the distance between the points of loading and unloading stocking is more than 100 metres, the charges will be determined according to the local conditions obtaining in the market area.

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